*IN THE HIGH COURT OF ANDHRA PRADESH*
*AT HYDERABAD*

-

**W.P.No.26644 of 2000**

Between:

M/s.Sruthi Oil Industries Pvt. Ltd.
Mylardevpalli village, Rajendranagar,
R.R.District. rep.by its Managing Director,
Vijayendar Kedal.

..Petitioner

and

1. Transmission Corporation of A.P. Limited
(A.P.Transco) rep.by its Managing Director,
Vidyut Soudha, Khairatabad, Hyderabad and others.

..Respondents

-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-

-

***THE HONOURABLE SRI JUSTICE***
***A.GOPAL REDDY***

**W.P.No.26644 of 2000**

**Oral Order:**

Petitioner who is a consumer of electricity bearing HTSC.No.RRD 637 calls in question the bills raised for the months of August, September and October, 2000 on the ground that as per Condition No.22.3.3.3 of the Terms and Conditions of Supply, which provides for assessment of quantity of electricity supplied on the basis of connected loan and hours of usage of electricity by the consumers, show cause notice has to be issued to the consumer calling explanation and after receipt of explanation from the consumer final orders have to be passed within 15 days from the date of receipt of explanation. Since the said procedure has not been followed, the petitioner made a representation on 11-11-2000 disputing the correctness of the bills for the months of August, September and October, 2000 to review suitably the amounts payable. The respondents have not replied for the same. Hence the writ petition.

Opposing the writ petition respondents filed a counter stating that while taking meter reading on 23-08-2000 by ADE/OP/Ganganpahad it is observed that the meter got struck up, then the average consumption of preceeding three months is taken for billing for the month of August and September, 2000 vide Condition 22.3.3.1 of Terms and Conditions of Supply. The meter was changed on 11-10-2000 with new tested meter by the ADE/Meters/RR Circle with initial reading 700842 with multiplication factor 0.2. The reading

as on 23.10.2000 was 776421 while taking by ADE/O/Ganganpahad; the consumption from 11-10-2000 to 23-10-2000 i.e. for 12 days is (776421–700842) X 0.2 = 15115.8 units. Hence, the monthly consumption from 23-09-2000 to 23-10-2000 i.e. for 30 days is calculated as 15115 x 30 divided by 2 = 37790 units. Therefore, the proposed consumption for 30 days is based on the actual recorded consumption for 12 days of the billing for the month of October, 2000. The procedure adopted by the authorities is correct and justifiable. Therefore, Condition No.22.3.3.3 is not applicable to the facts of the present case because the average consumption of preceeding three months is taken and issued the bill. Bills were raised for the months of August, September and October, 2000 following the departmental procedure and as per the Terms and Conditions of Supply. The petitioner has not produced the authenticated production particulars and the C.C.bill for the month of October, 2000 is calculated for 30 days basing on the consumption recorded by the new meter for 12 days and accordingly prayed for dismissal of the writ petition.

Learned counsel for the petitioner mainly relied on the judgment of this court in W.P.No.19442 of 1995 dated 30-08-1995 wherein this Court held that in case of any back-billing, which has to be raised against the consumer, a show cause notice is required to be given and after receipt of the explanation from the consumer, final orders have to be passed within fifteen days from the date of receipt of the explanation.

In view of the above submission, it is appropriate to note here Condition No.22.3.3.1 of the Terms and Conditions of Supply, which reads as follows:

"The quantity of electricity supplied during the period

> in which the meter ceased to function or became defective, shall be determined by taking average of the electricity supplied during the preceeding three months in which the said meter ceased to function or became defective provided that conditions in regard to use of electricity during the said three months were not different from those which prevailed during the period in which the meter ceased to function or became defective."

Admittedly, it is not the case of back billing and the officials of the respondent—Board noticed meter struck up and issued the bill after taking into consideration the preceeding three months bills i.e. April, May and June, 2000 for arriving the average bill amount as per Condition No.22.3.3.1 of the Terms and Conditions of Supply. The 2nd respondent through his letter dated 28-11-2000 informed the petitioner that disputed bills can be reviewed if the petitioner provides the figures of production for the period from September, 1999 to October, 2000 duly certified by the Excise/Sales Tax Department. The petitioner submitted required information on 29-11-2000 followed by representation dated 13-12-2000.

In view of the same, the respondents are directed to consider the representation of the petitioner dated 13-12-2000, on condition of the petitioner pays the balance bill amount after giving due credit to the amount, if any, paid pursuant to the interim order, and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. The amount paid by the petitioner will abide by the orders that may be passed by the respondent authorities.

The Writ Petition is accordingly disposed of. No costs.

_____

A.GOPAL REDDY, J.

01-08-2007

***Murthy***